

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Allen A. Aradi	
Application No.: 10/696,618	Group Art Unit: 1797
Filing Date: October 29, 2003	Examiner: Cephia D. Toomer
Title: METHOD FOR REDUCING COMBUSTION CHAMBER DEPOSIT FLAKING	
Attorney Docket No.: NM 7607	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Applicant submits this Reply Brief to the Examiner's Answer mailed May 14, 2008. Applicant submits this brief solely to respond to several of the arguments raised for the first time in the Examiner's Answer.

Applicant first turns to the definition of a person of ordinary skill in the art articulated in the Examiner's Answer. All of the current rejections of the claims are based on obviousness. Therefore, the correct understanding of a person of ordinary skill in the art is significant. It is this hypothetical person of ordinary skill in the art that must find applicant's invention obvious. The Examiner's Answer describes this person as follows:

The person of ordinary skill in the art is one who would be able to fit the teachings of Dorer and Kalghatgi together like pieces of a puzzle to determine that the metal compounds of Dorer reduce combustion chamber deposit flaking.

(Page 7, lines 16-19, Examiner’s Answer.) Applicant submits that this cannot be the definition of a person of ordinary skill in the art in this case, because this is an insurmountable standard for nonobviousness. This statement is nothing less than a classic articulation of hindsight. Contrary to this self-fulfilling definition, there is evidence in this matter from the Aradi Declaration that describes in technical terms a person of ordinary skill in the art. Further, according to the Aradi Declaration, the invention would not be obvious to this correctly-defined person. This actual evidence remains unrebutted. The claimed invention is not obvious.

Second, as noted in the Examiner’s Answer, an essential feature of the rejection both in the combination of Dorer and Kalghatgi and the combination of Henderson and Kalghatgi is that the Dorer and Henderson compounds are each “conventional” detergents. The Examiner’s Answer justified the combination of Dorer and Henderson with Kalghatgi on this allegation of “conventional” detergents. However, neither Dorer nor Henderson describe “conventional” detergents as described by the Kalghatgi reference. The only conventional detergents listed in Kalghatgi are set forth in Table 2 of Kalghatgi. None of those detergents in Table 2 contain any metal component. Therefore, it is not reasonable to later apply the label of “conventional” detergent to Dorer and Henderson in order to justify the combination of Dorer and Henderson. Dorer and Henderson do not disclose conventional detergents as defined in Kalghatgi and cannot be reasonably combined with Kalghatgi.

Third, specifically with respect to claims 12 and 26, which are directed to the use of the claimed compounds in direct injection gasoline engines, applicant submits that the Examiner's Answer has unfairly reversed the burden of proof. The answer states that Dorer and Henderson may reasonably disclose systems having advanced emission controls absent evidence to the contrary. In fact, the evidence is the lack of disclosure in the Dorer and Henderson references. Nothing in Dorer or Henderson describes an engine having advanced emission controls. The burden that is articulated requires applicant to prove a negative. In fact, this has been done the only way possible by explicitly stating that there is no disclosure of these advanced emission controls in Dorer or Henderson.

For any one or more of the foregoing reasons and for all of the reasons explained in the Appeal Brief, applicant respectfully submits that all of the claims of the present application are in condition for allowance. Favorable action is requested hereon.

The Commissioner is hereby authorized to charge any deficiencies in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2127.

Respectfully Submitted,



John H. Thomas
Attorney / Agent for Applicant(s)
Reg. No. 33,460

Date: June 2, 2008

Thomas & Raring, P.C.
536 Granite Avenue
Richmond, Virginia 23226
Tel. 804-344-8130